

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Schmidl et al.
Serial No.: 09/838,606
Filed: April 19, 2001

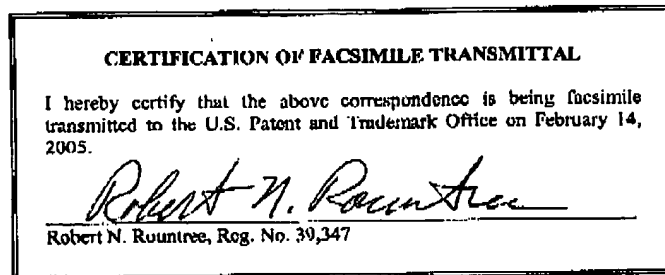
Docket No. TI-31457
Examiner: K. Kim
Art Unit: 2634

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For: REDUCED HOPPING SEQUENCES FOR A FREQUENCY HOPPING SYSTEM

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
TO OVERCOME CITED PATENT (37 C.F.R. § 1.131)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Dear Sir:

1. This declaration is to establish completion of the invention in this application in the United States at a date prior to July 5, 2000, which is the first effective date of the cited U.S. patent to Gerten et al. (6,760,319), which was cited by the Examiner.

2. The individuals making this declaration are Tim Schmidl, Anand Dabak, and Oren Eliezer, inventors of the above-referenced application.

3. To establish the conception of the invention, true copies of the following are submitted as evidence:

Exhibit A - A true and correct copy of the E-mail message from Oren Eliezer (one of the inventors), proposing the invention on November 10, 1999 (last two paragraphs); and

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Exhibit B - Document "Bluetooth *ExtraRange* Proposals" prepared for disclosure to TI customers under NDA disclosing the invention (page 9, paragraph 2.6), dated January 27, 2000.

4. To establish diligence in constructively reducing the invention to practice, a true copy of the following is submitted as evidence:

Exhibit C - A true and correct copy an invention disclosure completed and filed as U.S. Provisional Application No. 60/223,950, entitled "Reduced Hopping Sequences (RHS) for Bluetooth", having attorney docket number TI-31457PS, and filed on August 9, 2000.

5. I hereby declare that the claimed invention in Application Ser. No. 09/838,606 (TI-31457) was conceived on at least November 10, 1999 (Exhibit A), a date prior to July 5, 2000, which is the first effective date of the cited U.S. patent to Gerten et al. (6,760,319). I continued discussions with my co-inventors and potential customers through January 27, 2000. (Exhibit B). Work continued in response to customer comments and further discussions with my co-inventors until my invention disclosure was completed and filed on August 9, 2000. (Exhibit C).


5. This declaration is submitted prior to final rejection.

6. As a person signing below:

I hereby declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

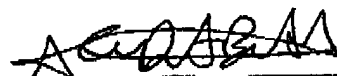
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Respectfully submitted,



Tim Schmidl

Date: Feb. 10, 2005



Anand Dabak

Date: 02/10/2005



Oren Eliezer

Date: 02/14/2005